



May 13, 2013

Mr. Steven Renninger
USEPA On-Scene Coordinator
Emergency Response Branch
26 West Martin Luther King Drive
Cincinnati, OH 45268

Ms. Leslie Patterson
USEPA Alternate On-Scene Coordinator
SR-6J
77 West Jackson Boulevard
Chicago, IL 60604

Dear Mr. Renninger and Ms. Patterson:

Re: ASAOC for Removal Action: Access Agreements Information
Site/Spill ID # B52B and U.S. EPA Docket # V-W-13-C-010
South Dayton Dump and Landfill Site – Moraine, Ohio

Pursuant to the Administrative Settlement Agreement and Order on Consent (ASAOC) for Removal Action signed by USEPA on April 5, 2013 (Docket No. V-W-13-C-010) for the South Dayton Dump and Landfill Site (Site), this letter provides formal notification per paragraph 25 of the ASAOC regarding access agreements. Per Attachment A to this correspondence, the Respondents have obtained access to all areas where action under the ASAOC is required except for three parcels to which access has been denied. Repeated attempts by both the Respondents and USEPA to obtain access to these three parcels have been unsuccessful. The Respondents will continue to work with USEPA using best efforts to obtain access to these three parcels. Attachment B to this correspondence summarizes the access agreements which are currently in place. As noted in Attachment B, all of the access agreements were in place prior to the Effective Date of the ASAOC.

Please contact me at 847-657-4843 or kbrown@itw.com for questions or discussion.

Sincerely,

A handwritten signature in black ink, appearing to read "Ken Brown", is written over a horizontal line.

Ken Brown, CHMM
Respondents' Representative

Attachments

cc: Legal and Technical Representatives for Hobart Corporation, Kelsey Hayes Company,
and NCR Corporation

SOUTH DAYTON DUMP AND LANDFILL SUPERFUND SITE

Parcel #	(1) Within Site	Access Obtained	(2) Ownership	Comments
1041	no	yes	Dayton Power & Light	east of Site
2941	no	yes	Dayton Power & Light	east of Site
2943	no	yes	Village Park Community Ltd.	east of Site
3056	no	yes	Miami Conservancy District	adjacent parcel
3057	no	yes	Miami Conservancy District	adjacent parcel
3058	no	yes	Miami Conservancy District	adjacent parcel
3061	no	yes	Dayton Power & Light	east of Site
3207	no	yes	Walloon Holdings LLC	adjacent parcel
3251	no	yes	Quinn Ogletree	adjacent parcel
3252	yes	yes	Ron Barnett	
3253	no	yes	Ron Barnett	adjacent parcel
3254	no	yes	Ron Barnett	adjacent parcel
3255	no	no	Frizbee Ltd., et al	adjacent parcel, access denied
3257	no	no	Dorothy Moore	adjacent parcel, access denied
3258	no	no	Dorothy Moore	adjacent parcel, access denied
3261	no	yes	Jim City Salvage	
3262	no	yes	Jim Worley	adjacent parcel
3263	no	yes	Jim Worley	adjacent parcel
3273	no	yes	Miami Conservancy District	adjacent parcel
3274	yes	yes	Miami Conservancy District	
3275	no	yes	Miami Conservancy District	adjacent parcel
3278	no	yes	Miami Conservancy District	adjacent parcel
3753	yes	yes	Jim City Salvage	
4423	yes	yes	Jim City Salvage	
4610	yes	yes	Ron Barnett	
5054	yes	yes	Valley Asphalt	
5171	yes	yes	Boesch and Grillot	
5172	yes	yes	Boesch and Grillot	
5173	yes	yes	Boesch and Grillot	
5174	yes	yes	Boesch and Grillot	
5175	yes	yes	Boesch and Grillot	
5176	yes	yes	Boesch and Grillot	
5177	yes	yes	Boesch and Grillot	
5178	yes	yes	Boesch and Grillot	
5223	no	yes	Vinny Nyhan	adjacent parcel

Notes: (1) Those parcels not within the Site are either adjacent to the Site or in close proximity to the Site in what is presumed to be a hydraulically down gradient or side gradient location. Parcels 3056, 3057, 3058, and 3278 are located partially within the Site.

(2) Ownership is based on information obtained from Montgomery County real estate tax records for 2012.

**SOUTH DAYTON DUMP
ACCESS AGEEMENTS SUMMARY**

Licensor	Initial Agreement Date	Agreement Expiration Date	Lot Numbers	Agreement/Notice Requirements	Contact Person	Contact Numbers
Boesch and Grillot	8/24/06	completion of RI/FS	5171 through 5178	- all reasonable times with prior telephone notification	Tim Hoffman	937-449-5540 (office) 937-572-7817 (cell)
Jim City Salvage, Inc. amended	7/10/07 9/4/08	completion of RI/FS	3261 3753 4423	- all reasonable times with prior telephone notification - scope of work per attachment - must establish single access point and install locked gate if necessary - flush-mount well only on 3261 - reports within 7 days of written request from Licensor	Jim Worley	937-298-7325 (office) 937-623-6499 (cell)
Miami Conservancy District (access agreement)	8/30/06	completion of RI/FS	3056 through 3058 3273 through 3275 3278	- all reasonable times with prior telephone notification (see also MCD Land Use Permit)	Roxanne Farrier	937-223-1278 (office) extension 3230
Miami Conservancy District (MCD Land Use Permit)	5/1/07	3/31/18 (5 year term)	MW 201 MW 206 MW 207 MW 226 (right to use and maintain)	- prior plan approval for structure or improvement and 24 hour prior notice before construction - notice within 48 hours of construction completion - vehicular traffic conditionally allowed on or near recreational trail	Roxanne Farrier	937-223-1278 (office) extension 3230

**SOUTH DAYTON DUMP
ACCESS AGEEMENTS SUMMARY**

Licensor	Initial Agreement Date	Agreement Expiration Date	Lot Numbers	Agreement/Notice Requirements	Contact Person	Contact Numbers
Ron Barnett Construction amended	8/24/06 4/11/11	completion of RI/FS	3252 3253 3254 4610	- all reasonable times with prior telephone notification	Ron Barnett	937-299-3526 (office) 937-477-0301 (cell)
Valley Asphalt Corporation	3/26/07	4/1/14 (renewed annually)	5054	- pre-approval of permitted uses - 48 hour notice for inspections - 5 business day notice for permitted uses - access limited to 8:30 am to 5:00 pm on weekdays only	Jim Jurgensen II	513-771-0820 (office) 513-460-9003 (cell)
Village Park Community amended	3/21/07 9/4/08	completion of RI/FS	2943	- all reasonable times with prior telephone notification - scope of work per attachment - must establish single access point - reports within 7 days of written request from Licensor	Richard Rife	937-294-0651 (office) 937-604-1433 (cell)
Walloon Holdings, LLC (a/k/a Globe Equipment)	1/12/11	completion of RI/FS	3207	- all reasonable times with prior telephone notification	Hilton Garner	937-299-5493 (office) extension 203 937-299-8623 (FAX)

NOTE:

Common requirements in all access agreements include non-interference with Licensor's use of property, notice of threats to human health or the environmental during Licensee activities, and restoration of Licensor property.